

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GOOGLE INC., a Delaware corporation,) Case No.: 10-CV-04264-LHK
Plaintiff,)
v.) ORDER CONTINUING CASE
OMAR JACKMAN, an individual; JOHN) MANAGEMENT CONFERENCE AND
DOE "SIMON," an individual; GREGORY) SETTING DEADLINES
GAVIN, an individual; AMANDA)
ODELL, an individual; JOEY PATRON,)
an individual; GINA WYANT, an)
individual; DOES 6-50, individuals,)
Defendants.)

On December 17, 2011, the Court, upon Plaintiff Google Inc.'s motion, continued the initial Case Management Conference in this action to March 16, 2011. Plaintiff now seeks a second continuance on grounds that the Clerk has entered default against Defendants Gavin, Odell, and Wyant, and Plaintiff has reached an agreement in principle to settle the claims against Defendant Jackman. Plaintiff represents that it will file motions for entry of default judgment and documentation of the settlement with Defendant Jackman in the coming days. Based on this information, the Court agrees that a continuance of the Case Management Conference is appropriate. Accordingly, the Case Management Conference set for March 16, 2011 is hereby CONTINUED to May 18, 2011 at 2 p.m. Plaintiff shall file motions for default judgment against

1 Defendants Gavin, Odell, and Wyant, and a notice of voluntary dismissal as to Defendant Jackman,
2 no later than March 31, 2011.

3 The Court notes, in addition, that the remaining Defendants Simon and Patron do not
4 appear to have been served. Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is
5 not served within 120 days after the complaint is filed, the court . . . must dismiss the action
6 without prejudice against that defendant or order that service be made within a specified time.”
7 The 120-day period to serve these Defendants has expired. Accordingly, if Plaintiff wishes to
8 pursue this action against them, it must file a request for an extension of the time for service.
9 Alternatively, Plaintiff may voluntarily dismiss these Defendants without prejudice. If Plaintiff
10 takes no action regarding these Defendants within 30 days of this Order, the Court will dismiss
11 them without prejudice pursuant to Rule 4(m).

12 **IT IS SO ORDERED.**

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14 Dated: March 10, 2011
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LUCY H. KOH
United States District Judge